

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL GRAHAM; ALEXUS DIGGS; and
HEATHER CONNOLLY, *on behalf of
themselves and all others similarly situated,*

Plaintiffs-Petitioners,

v.

ALLEGHENY COUNTY; and ORLANDO
HARPER, *Warden of Allegheny County Jail,*
Defendants-Respondents.

Civil Action No. 2:20-cv-00496

ELECTRONICALLY FILED

IMMEDIATE RELIEF SOUGHT

JOINT MOTION FOR APPROVAL OF SETTLEMENT AGREEMENT

1. The parties respectfully request that this Honorable Court approve the parties' Proposed Settlement Agreement, attached as Exhibit 1.
2. The Proposed Settlement has been negotiated in order to resolve outstanding issues in this litigation, delineate what further information Defendants will be required to share pertaining to the COVID-19 response at the jail, how long the COVID-19 operations plan will remain in place, and under what circumstances any future issues regarding the implementation of this Settlement Agreement may be brought to the attention of this Court.
3. Class counsel have adequately represented class counsel in this matter, obtaining a consent decree on May 29, 2020, soon after filing the action on April 8, 2020. Following the entry of the consent decree, class counsel have vigorously monitored compliance with the agreement, repeatedly advocated for class members with defendants' counsel, obtained class certification, and twice modified the agreement to increase testing at the jail.

4. The negotiations leading to this proposed settlement were conducted over the course of several weeks and involved numerous involved conversations to work through the remaining issues.
5. The relief provided for the class is adequate, as it provides ongoing health protections that are linked with the continued existence of the Allegheny County emergency declaration regarding COVID-19.
6. The costs, risks, and delay of trial are considerable given the shifting public health terrain, increasing vaccination levels, and the fact that this case only involves prospective, injunctive relief. Continued litigation and an eventual trial in this matter will not result in more effective policies to protect the health of class members; a negotiated resolution is the optimal route.
7. Attorney fees will be negotiated or litigated if the Parties cannot come to agreement and have not been a factor in addressing the claims of class members.

A proposed order is attached.

Respectfully submitted,

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